

Serial No. 09/754,018

Remarks

Claims 1-9 are pending in the application. Claims 1, 3, 6 and 8 are amended and claim 4 is canceled herein. Favorable reconsideration of the application, as amended, is respectfully requested.

I. REJECTION OF CLAIMS 1, 3 AND 6-9 UNDER 35 USC §102

Claims 1, 3 and 6-9 stand rejected under 35 USC §102(b) based on U.S. Patent No. 5,982,887 (*Hirotani*). Applicants believe the Examiner did not intend to issue this rejection, as it appears to contradict the Examiner's later statements as discussed below.

Independent claims 1, 3, 6 and 8 as presented in the previous Office Action each recited that the scramble circuit is a hardware circuit. In the present Office Action, the Examiner admits that *Hirotani* does not disclose that the data scramble circuit is a hardware circuit (See pg. 4 of the Office Action). Thus, *Hirotani* cannot anticipate claims 1, 3, 6 and 8 of the present application.

Further, the rejection appears to be the same as a portion of the rejection issued in the previous Office Action. This leads the Applicants to believe that as the Examiner was drafting the present Office Action, he erroneously retained part of the previous Office Action. This is supported by the fact that the Examiner clearly states that *Hirotani* does not teach a hardware scramble circuit.

Accordingly, withdrawal of the rejection of claims 1, 3 and 6-9 is respectfully requested.

II. REJECTION OF CLAIMS 1-9 UNDER 35 USC §103

Independent claims 1, 3, 6 and 8 have been amended herein to include the features of original claim 4, and now recite that the scramble circuit acts as part of an error correction circuit.

The Examiner contends that the features of claim 4 are unpatentable over *Hirotani* in view of *Schneier* (Applied Cryptography) and *Smith* (Memory Error Detection

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and Correction). Specifically, the Examiner admits that *Hirotani* and *Schneier* do not disclose error correction, but contends that *Hirotani* and *Schneier* disclose the encrypted data is stored in memory and that *Smith* discloses that error correction codes (ECC) in a storage system can be used to not only detect errors, but also to correct errors in the stored data words. According to the Examiner, *Smith*, *Hirotani* and *Schneier* disclose all the features of claim 4, and it would have been obvious to combine the references to arrive at the claimed Invention. Applicants respectfully disagree with the Examiner for at least the following reasons.

Smith describes error correction codes (ECC) for use in memory circuits and states ECC typically is implemented in memory control logic on the motherboard, in the chip set, or by the CPU. *Smith*, does not teach or suggest the use of a scramble circuit, or that a scramble circuit can act as part of an error correction circuit. *Hirotani* and *Schneier*, as admitted by the Examiner, do not teach error correction during decryption.

Assuming that if one skilled in the art did combine *Smith* with *Hirotani* and *Schneier*, the result would be a system that implemented ECC in a conventional manner as taught by *Smith*, i.e., in memory control logic, in the chip set or by the processor. The combination of *Smith*, *Hirotani* and *Schneier*, however, would not yield a scramble circuit that acts as part of an error correction circuit, as recited in independent claims 1, 3, 6 and 8.

The cited art, alone or in combination, has not been found to teach or suggest a system, method or apparatus wherein a data scramble circuit acts as a part of an error correction circuit. Accordingly, withdrawal of the rejection of claims 1, 3, 6 and 8 is respectfully requested.

Claims 2, 5, 7 and 9 directly or indirectly depend from one of the above claims and, therefore, can be distinguished from the cited art for at least the same reasons.

Accordingly withdrawal of the rejection of claims 2, 5, 7 and 9 is respectfully requested.

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III. CONCLUSION

Accordingly, claims 1-3 and 5-9 are believed to be allowable and the application is believed to be in condition for allowance. A prompt action to such end is earnestly solicited.

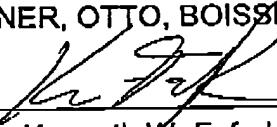
Should the Examiner feel that a telephone interview would be helpful to facilitate favorable prosecution of the above-identified application, the Examiner is invited to contact the undersigned at the telephone number provided below.

Should a petition for an extension of time be necessary for the timely reply to the outstanding Office Action (or if such a petition has been made and an additional extension is necessary), petition is hereby made and the Commissioner is authorized to charge any fees (including additional claim fees) to Deposit Account No. 18-0988.

Respectfully submitted,

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